

# PROPOSED AMENDED JOHNSON COUNTY CRIMINAL RULES

---

## **LR41 - CR2.2 - 085: Authority and Scope.**

These rules are hereby promulgated pursuant to the authority of the Indiana Rules of Court, Criminal Rule 2.2. These rules shall govern the practice and procedure for the filing assignment of all felony and misdemeanor cases in the Johnson County Circuit and Superior Courts.

## **LR41 - CR2.2 - 086: Random Case Assignment.**

- A. Felonies. In conjunction with the Amended Johnson County Plan for Allocation of Judicial Resources, and subject to the provisions of LR41 - CR2.2 - 087 and LR41 - CR2.2 - 88, all cases involving Felonies shall assigned on a random and equal basis among the Johnson Circuit Court, Johnson Superior Court No. 2, and Johnson Superior Court No. 3.
- B. Misdemeanors, Infractions, and Ordinance Violations. In conjunction with the Amended Johnson County Plan for Allocation of Judicial Resources, and subject to the provisions of Rules 3 and 4, all cases involving Misdemeanors shall be assigned on a random basis among the Johnson Circuit Court and Johnson Superior Court No. 3; the distribution between these courts shall be:
  - 1. One quarter (25%) of such cases shall be filed in the Johnson Circuit Court;
  - 2. the remaining three-quarters (75%) of such cases shall be filed in the Johnson Superior Court No. 3; and,
  - 3. Infraction and Ordinance Violation cases shall be heard by the Magistrate of the Johnson County Circuit and Superior Courts.
  - 4. Criminal Misdemeanor cases filed in the Johnson Circuit Court shall be heard by the Magistrate of the Johnson County Circuit and Superior Courts.**
- C. Miscellaneous Criminal Cases.
  - 1. Search Warrants. Miscellaneous Criminal cases opened for Search Warrants shall be ~~randomly and evenly distributed~~ **assigned** among the Johnson Circuit Court, **Johnson Superior Court No. 1**, Johnson Superior Court No. 2, and Johnson Superior Court No. 3 **based upon the Judges' On-Call Schedule.**
  - 2. Grand Jury. Miscellaneous Criminal cases opened for Grand Jury proceedings shall be opened in the court of the supervising Judge, pursuant to Rule 7.
  - 3. General. Excepting cases opened for search warrants and grand jury proceedings, all remaining Miscellaneous Criminal cases shall be filed in the Johnson Circuit Court.

## **LR41 - CR2.2 - 087: Re-filings and Subsequent Filings.**

- A. Subsequent to Dismissals.
  - 1. In the event the State of Indiana dismisses a case or charge, any subsequent case or charge filed against the named defendant shall be assigned to the Court from which the dismissal was taken.
  - 2. It shall be the duty of the Prosecuting Attorney to bring this fact to the attention of the Clerk's Office when charges are re-filed.
- B. New Causes of Action, Generally.
  - 1. Subject to the provision of subsection (c) below, in the event of the origination of a new cause of action against a defendant with an existing felony or misdemeanor proceeding, the new cause of action shall be assigned to the Court administering the existing cause(s) of action.
  - 2. It shall be the duty of the Prosecuting Attorney to bring this fact to the attention of the Clerk's Office when the new charges are filed.

C. New Causes of Action, Probation Revocation.

1. If the new felony or misdemeanor cause of action filed against a defendant is supported by the same facts upon which a petition revoke probation or direct commitment to a Community Corrections program could be based, the new cause of action shall be assigned to the Circuit or Superior Court in which the related probation or commitment is being supervised.
2. It shall be the duty of the Prosecuting Attorney to bring this fact to the attention of the Clerk's Office when such new charges are filed.

**LR41 - CR2.2 - 088: Non-support of Dependents.**

Charges of Nonsupport of a Dependent Child shall be assigned to the Johnson Circuit Court and heard in the Juvenile and Family Court by the Juvenile Magistrate as a Family Court proceeding. It shall be the duty of the Prosecuting Attorney to file the Family Court Identification Form with the Juvenile and Family Court.

**LR41 - CR2.2 - 089: Reassignment.**

In the event a change of Judge is granted, or it becomes necessary to assign another Judge in any felony or misdemeanor proceeding, the case shall be returned to the Clerk's office for random selection between the Johnson Circuit Court, the Johnson Superior Court No. 2, or the Johnson Superior Court No. 3, except that no Misdemeanors shall be assigned, without written order, to Johnson Superior Court No. 2. Upon selection, the case shall be reassigned to the selected Court. This rule is not intended to limit the authority of the Judges to transfer cases between the Courts by agreement of the Judges.

**LR41 - CR13 - 090: Appointment of Special Judge.**

In the event a local Judge is unavailable to accept reassignment of a case pursuant to LR41 - CR2.2 - 089, or circumstances arise requiring the Judge to disqualify subsequent to reassignment, such case shall be certified to the Indiana Supreme Court for appointment of a Special Judge.

**LR41 - CR00 - 091: Grand Jury Supervision.**

- A. The November 16, 2001 Standing Order Regarding Grand Jury Proceedings in the Johnson Circuit and Superior Courts is hereby **VACATED**.
- B. Grand Jury supervision shall rotate among the Johnson Circuit Court, Johnson Superior Court No. 2, and Johnson Superior Court No. 3 in the following manner:
  1. Requests for a Grand Jury filed between January 1 and April 30 shall be supervised by the Johnson Circuit Court.
  2. Requests for a Grand Jury filed between May 1 and August 31 shall be supervised by the Johnson Superior Court No. 2.
  3. Requests for a Grand Jury filed between September 1 and December 31 shall be supervised by the Johnson Superior Court No. 3.
- C. ~~The County Clerk of Courts~~ **Court's Jury Administrator** shall, at the time of the creation of the Quarterly Venire List pursuant to the Amended Local Rules Regarding Selection Of Procedures For Juror Selection, randomly draw the names of ~~forty (40)~~ **twelve (12)** Grand Jurors to serve as such.
- D. Any new criminal case filings which result from Grand Jury Proceedings shall be filed in the Court in which the Grand Jury Proceedings were held, as an exception to LR41 - CR2.2 - 086.

**LR41 - CR2.2 - 092: Effective Date.**

Pursuant to T.R. 81(D), there is good cause to deviate from the schedule for approval of local rules. Subject to the approval of the Indiana Supreme Court, these amended rules shall become effective immediately.

# MEMORANDUM

TO: Johnson County Public and Bar Association  
FROM: Judges of the Johnson Circuit and Superior Courts  
RE: Public Notice of 2007 Caseload Reallocation Plan  
DATE: August 2, 2007

## Introduction:

Pursuant to Indiana Administrative Rule 1 and the appendices thereto, Johnson County must resubmit its caseload plan for review and approval by the Indiana Supreme Court. This periodic review is intended to ensure that the variance, or difference, in caseload statistics between any two courts of record in the county does not exceed 0.40.

## 2007 Caseload Plan:

The 2006 Weighted Caseload Measures indicate that the variance in the current Johnson County Caseload Allocation Plan is no more than .36. For that reason, we will be re-submitting the existing Caseload Allocation Plan, which was implemented in June 2004, for approval. A summary of the current plan is set forth below.

Case Type:	Assigned to:
Felonies	C01, D02, and D03
CM, IF, OV/OE	1/4 C01 and 3/4 D03
MC – Search Warrants	On-call list or signing judge.
MC – Rights Advisements	C01
MC – Probation Transfers	C01
Juvenile	C01
RS	C01
Probate (AD, ES/EU, GU, MH, TR)	D01
Consumer Collection	D01
DR	C01 and D02
Small Claims	C01, D01, D02, and D03
Protection Orders	C01, D01, D02, and D03
Remaining Civil	D01 and D03

## Comments:

Public comments regarding the caseload allocation plan will be received until September 10, 2007. Comments may be sent to: Donna Sipe, Esq., Court Administrator, Courthouse, 5 E. Jefferson St., Franklin, IN 46131.

## The Next Steps:

Any changes to the proposed plan, following the receipt of comments, will be made no later than October 1, 2007. At that time, the plan will be formally submitted to the Indiana Supreme Court for approval. Approval or return with instructions is expected by November 1, 2007. Any changes necessary to the plan will take effective on January 1, 2008.

# **PROPOSED AMENDED PLAN FOR ALLOCATION OF JUDICIAL RESOURCES**

---

## **PLAN FOR ALLOCATION OF JUDICIAL RESOURCES**

### **INTRODUCTION:**

In response to the directive issued July 16, 1999 by the Indiana Supreme Court in its Order for Development of Local Caseload Plans, Local Rule 1999-1, the Johnson County Plan for Allocation of Judicial Resources was implemented. The caseload allocation created in Local Rule 1999-1 has, in large part, successfully equalized the caseloads of the Johnson Circuit and Superior Courts. Since 1999, however, the provisions of Indiana Administrative Rule 1 now require periodic review of the caseload plan to ensure that difference in caseload measures between any two courts of record in the county does not exceed 0.40.

In addition, since 1999, the number of case filings has increased, thereby increasing the stress placed upon the court calendars, judicial officers, and court staff. Although Johnson County meets the statistical minimum for an additional court, the financial and political realities at both the state and county levels makes an additional court unlikely at this time. These facts make it necessary for the Johnson County Courts to maximize judicial resources through reorganization and specializing of the caseloads for each court.

The 2006 Weighted Caseload Measures produced by the Indiana Supreme Court Division of State Court Administration reveal that the variance among the Johnson Circuit and Superior Courts is no more than .36. Therefore, significant change in the Caseload Allocation Plan is not indicated at this time.

### **LR41 - AR01 - 057: Criminal Cases.**

Criminal case allocation among the courts of record will operate as specified in the Rules for Filing and Reassignment of Criminal Cases, LR41 - CR2.2 - 086.

### **LR41 - AR01 - 058: Juvenile Cases.**

All Juvenile cases (JC, JD, JM, JP, JS, and JT) shall be filed in the Johnson Circuit Court.

- A. Unless a written order indicates otherwise, Juvenile CHINS (JC) and Juvenile Termination (JT) cases shall be heard by the Judge of the Johnson Circuit Court.
- B. Unless a written order indicates otherwise, Juvenile Delinquency (JD), Juvenile Miscellaneous (JM), Juvenile Paternity (JP), and Juvenile Status (JS) cases shall be heard by the Juvenile and Family Court Magistrate.

### **LR41 - AR01 - 059: Family Court Cases.**

Unless otherwise indicated by a written order, all Family Court cases shall be heard by the Juvenile and Family Court Magistrate of the Johnson Circuit Court.

### **LR41 - AR01 - 060: Remaining Civil Cases.**

- A. Reciprocal Support (RS) cases shall be filed in the Johnson Circuit Court and will be heard by the Magistrate of the Juvenile and Family Court.

- B. All Probate cases (AD, ES, EU, GU, MH, and TR) shall be filed in the Johnson Superior Court No. 1.
- C. Consumer Collection (CC) cases shall be filed in the Johnson Superior Court No. 1.
- D. Domestic Relations (DR) cases shall be filed in the Johnson Circuit Court and the Johnson Superior Court No. 2, on a random and even basis.
- E. All remaining civil cases shall be filed in the Johnson Superior Court No. 1 and the Johnson Superior Court No. 3, on a random and even basis.
- F. Small Claims (SC) and Protective Order (PO) cases shall be heard by the Magistrate of the Johnson Circuit and Superior Courts.

**LR41 - AR01 - 061: Proceedings Supplemental.**

- A. Proceedings Supplemental in Small Claims (SC) cases shall be heard by the Magistrate of the Johnson Circuit and Superior Courts.
- B. Effective immediately, Proceedings Supplemental in all other cases shall be heard in the court supervising that case.

**LR41 - AR01 - 062: Evaluation of Workload Information.**

- A. ~~It is anticipated that the allocation of judicial resources described above will place the Johnson County Courts in compliance with the criteria outlined in the Indiana Supreme Court's Order for Development of Local Caseload Plans without additional periodic changes. Nonetheless, no later than February 15 of each year, all regular judicial officers of the courts of record in Johnson County shall meet and evaluate the caseload data, as reported to the Indiana Supreme Court Division of State Court Administration.~~

**Future review of the Caseload Allocation Plan shall be conducted in compliance with the Schedule for the same established pursuant to Administrative Rule 1.**

- B. The caseload evaluation shall factor in the disparate allocation of administrative duties among the judicial officers, as well as any special circumstances such as death penalty cases.
- C. Special service by: 1) Johnson County judicial officers outside their own courts; or, 2) special, senior judges, or transfer Judges serving in the Johnson County Courts shall also be considered. Such service shall be calculated, in accordance with the Weighted Caseload Worksheet and criteria established by the Indiana Supreme Court Division of State Court Administration, to the nearest half day of service.
- D. Pursuant to the evaluation of factors outlined in steps 1-3 above, changes necessary to ensure that the Johnson County Courts remain in compliance with the Order for Development of Local Caseload Plans shall be developed and approved by a majority vote of the judicial officers and shall become effective on April 1 of each year.
- E. ~~As a result of the late effective date of this order in the 2004 calendar year, and the increase in the jurisdictional limit for Small Claims cases which becomes effective on July 1, 2005, the first evaluation of the effectiveness of the Johnson County Plan for Allocation of Judicial Resources shall be conducted on or before February 15, 2006.~~